

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

KENNETH GRANT,

Plaintiff,

v.

**MARLIN MOUSSEAU, Officer,
RICHARD GREENWALD, LT., and
UNITED STATES OF AMERICA,**

Defendants.

Case No: 8:05CV408

**MEMORANDUM
AND ORDER**

On June 21, 2007, the court granted the United States' motion to compel, and ordered the plaintiff to produce answers and documents responsive to the United States' discovery requests by June 28, 2007. Filing No. 60. Under the terms of the court's memorandum and order, the United States was given until July 7, 2007, to file a motion for sanctions or for dismissal if the plaintiff failed timely to comply with the court's discovery order.

On June 28, 2007, the plaintiff filed a motion to continue this case until he locates an attorney to represent his interests. Filing No. 61. Although the plaintiff attached medical records to the motion, (see Filing No. 61, att. 1), he failed to explain how these records, or the events reflected in them, were relevant to his request for additional time. The plaintiff's medical records describe back and finger injuries he apparently sustained in 2003. They do not provide any basis for delaying the progression of this lawsuit.¹

The defendant's discovery deadline is July 20, 2007, and the summary judgment deadline is July 27, 2007. Although the plaintiff states he needs a continuance of these deadlines because he wants legal representation, he was represented by attorney Jeffrey A. Wagner when this case was filed. That representation ended in November 20, 2006, when Mr. Wagner sought and was given leave to withdraw because the plaintiff failed to remain in contact with Mr. Wagner. See Filing No. 44. No attorney has entered an appearance on the plaintiff's behalf since Mr. Wagner withdrew from this case.

This case has been pending since August 18, 2005, and must be progressed to resolution. If the plaintiff does retain an attorney, the court may then consider whether the case should be delayed to facilitate the trial preparation of plaintiff's new counsel.

¹Presumably, the records are responsive to the United States' discovery requests. The United States did not file a motion to sanction the plaintiff for failing to respond to discovery, and the July 7, 2007, deadline for doing so has passed.

However, under the circumstances presented, and especially since the case is already nearly two years old, the case progression deadlines will not be continued based solely on the plaintiff's statement that he is looking for counsel.

Accordingly,

IT IS ORDERED:

The plaintiff's motion to continue the case progression deadlines, Filing No. 61, is denied.

Dated this 19th day of July, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge